



(See Issuing Division below)

**PERMIT***

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 0000-00-0007.1WDP

Application No. Same as Permit No.

Issuance Date **MAY 3 0 2001**Effective Date **MAY 3 0 2001**Expiration Date **MAY 3 0 2006**

Name and Address of Applicant

Joe Sweger
NJ Department of Transportation
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625-0600

Name and Address of Owner

Same as applicant

Name and Address of Operator

Same as applicant

Location of Activity/Facility (Street Address)

US Route 1 & 9 Truck Bridge over
the Passaic River
Kearny Town & City of Newark
Hudson & Essex Counties

Lot: N/A Block: N/A

Issuing Division

Land Use Regulation Program

Statute(s)

NJSA 12:5-3
NJSA 58:10A

Type of Permit Waterfront Development Permit
Water Quality Certificate

Maximum Approved Capacity,
if applicable N/A

This permit grants permission for structural and mechanical repairs to the U.S. 1 & 9 Truck Bridge over the Passaic River in the City of Newark, Essex County and the Town of Kearny, Hudson County. Repairs above mean high water will include lift span truss repair; replacement of the lift span counterweight rope; repair to the concrete median barrier and installation of a diesel stand-by generator in Pier 6. Repairs below mean high water will include patching spalls and cracks in Pier 8; replacing damaged wales, planking and timber of the fenders on Piers 6 & 7 and replacement of 13 timber pilings. In addition, a buried submarine cable will be abandoned in place and a new cable attached to the bridge structure.

The permit is authorized under and in compliance with the Rules on Coastal Zone Management, N.J.A.C. 7:7E-1.1 et seq., as listed below:

N.J.A.C. 7:7E-3.7 Navigation Channels

N.J.A.C. 7:7E-8.2 Marine Fish and Fisheries

N.J.A.C. 7:7E-3.12 Submerged Infrastructure

By the issuance of this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties.

This is as shown on plans consisting of eleven (11) sheets: sheet 1, 4 & 5, 12 through 14, 33 & 34, and 37 through 39 entitled, "STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION, PLANS OF U.S. 1 & 9 TRUCK BRIDGE OVER THE PASSAIC RIVER, CONTRACT NO. 001983811, STRUCTURAL, MECHANICAL AND ELECTRICAL REPAIRS, CITY OF NEWARK, ESSEX COUNTY, TOWN OF KEARNY, HUDSON COUNTY", dated March 23, 2001, unrevised, as prepared by Hardesty & Hanover, LLP Consulting Engineers.

Prepared By:

Kim Kullu for
Tina Polascak

Page 1 of 4

(See page 4 for Manager's signature.)

Revised Date

Approved by the Department of Environmental Protection

Name (Print or Type) _____ Title _____

Signature _____ Date _____

This permit is subject to the following general conditions:

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of this permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.

IN ADDITION TO THE GENERAL CONDITIONS PRINTED ON PAGE TWO OF THIS PERMIT, THE FOLLOWING CONDITIONS SHALL ALSO APPLY:

Administrative Condition:

- a. A Tidelands lease, license, grant and subsequent approval of this grant by the Tidelands Resource Council is required prior to the start of construction. If you have any questions, please contact the Bureau of Tidelands, NJDEP at 609-292-2573.
- b. In order to protect the American Shad and anadromous fish within the Passaic River, any sediment generated from construction activities or pile driving is prohibited between 4/1 to 6/30 and 10/1 to 11/30 of each year.

Method of Construction:

- a. All activities approved by this permit shall be performed under the supervision and direction of a Professional Engineer licensed in the State of New Jersey, and shall be undertaken using the best management practices available. Furthermore, the site shall be subject to inspection at any time by representatives of the Department to ensure the continuous application of the provisions of this permit.
- b. During the course of construction, neither the applicant nor its agents shall cause or permit any unreasonable interference with the free flow of the stream by placing or dumping any materials, equipment, debris or structures within or adjacent to the stream corridor. Upon completion or abandonment of the work, the applicant and/or its agents shall remove and dispose of in a lawful manner all excess materials, equipment and debris from the stream corridor and adjacent lands.
- c. All activities authorized by this permit shall be stabilized in accordance with Standards for Soil Erosion and Sediment Control in New Jersey (obtainable from local Soil Conservation District Offices), or equal engineering specifications, to prevent eroded soil and sediment from entering adjacent waterways and wetlands at any time during and subsequent to construction. The Department reserves the right to order the suspension of any activity if unacceptable levels of erosion or turbidity result from the same. Furthermore, the applicant shall maintain the stream corridor as shown on the approved drawing/s for either such time as is required for the channel and/or banks to become reasonably stabilized, or for one year after completion of the project (as evidenced by a Certificate of Completion), whichever period of time is longer.

Responsibilities of Applicant:

- a. The granting of this permit does not in any way relieve the applicant and/or its agents from the responsibility for damages caused by any construction or activities hereby approved, nor does the Department accept responsibility for any structural designs.
- b. No construction authorized by this permit may begin until the enclosed permit acceptance form has been signed by the applicant and is returned to the Department. By signing and submitting this form, the applicant accepts this permit in its entirety and agrees to adhere to

all of its terms and conditions. Please be advised that this permit may be declared null and void should it be determined that adequate measures had not been taken by the applicant and/or its agents to ensure the continuous implementation of these terms and conditions.

- c. Within ten (10) days of the receipt of this permit by the applicant, this permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this permit is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.



Robert B. Piel, Jr., Manager
Bureau of Inland Regulation

8/30/01
Date

**State of New Jersey
Department of Environmental Protection
Land Use Regulation Program
Bureau of Inland Regulation**

Environmental Summary Report

May 2001

RE: Waterfront Development Permit
APPLICANT: NJDOT
PROJECT: Route 1 & 9 Truck Bridge
City of Newark, Essex County, New Jersey
Town of Kearny, Hudson County, New Jersey

LURP FILE NO: 0000-00-0007.1

I. INTRODUCTION:

The applicant, New Jersey Department of Transportation (NJDOT) proposes structural and mechanical repairs to the Route 1 & 9 Truck Bridge, located in the City of Newark, Essex County, New Jersey and the Town of Kearny, Hudson County, New Jersey.

Repairs above the mean high water line will include: 1) lift span truss repair; 2) replacement of the lift span counter-weight rope; 3) repairs to the concrete median barrier; and 4) installation of a diesel stand-by generator located in pier 6.

Repairs below the mean high water line will include: 1) patching spalls and cracks located in pier 8; 2) replacing damaged and missing wales, vertical planking and timber railing on the fenders located on piers 6 & 7; and 3) remove and replace 13 timber pilings located near the dolphin of pier 6 & 7. In addition, a buried submarine cable will be abandoned in place and a new cable will be attached to the bridge structure.

The Land Use Regulation Program has regulatory jurisdiction over this project since the proposed repairs will occur below and/or within 500 feet of the mean high water line of the Passaic River. The applicant has applied for a Tidelands conveyance from the Bureau of Tidelands Management..

II. WATERFRONT DEVELOPMENT PERMIT ANALYSIS

The analysis of this application is based on the relevant criteria set forth in the Rules on Coastal Zone Management N.J.A.C.7:7E-1 et. seq.

7:7E-3.7 Navigation Channels

(a) Navigation channels include water areas in tidal rivers and bays presently maintained by DEP or the Army Corps of Engineers and marked by US Coast Guard with buoys or stakes, as shown on NOAA/National Ocean Survey Charts: 12214, 12304, 12311, 12312, 12313, 12314, 12316, 12317, 12318,

12323, 12324, 12326, 12327, 12328, 12330, 12331, 12332, 12333, 12334, 12335, 12337, 12341, 12343, 12345, 12346, and 12363.

1. *Navigation channels also include channels marked with buoys, dolphins, and stakes, and maintained by the State of New Jersey, [and] access channels and anchorages.*

2. *Navigation channels include all areas between the top of the channel slopes on either side.*

(b) Standards relevant to navigation channels are as follows:

1. *New or maintenance dredging of existing navigation channels is conditionally acceptable providing that the condition under the new or maintenance dredging rule is met (see N.J.A.C. 7:7E-4.2(f) and (g)).*

2. *Development which would cause terrestrial soil and shoreline erosion and siltation in navigation channels shall utilize appropriate mitigation measures.*

3. *Development which would result in loss of navigability is prohibited.*

4. *Any construction which would extend into a navigation channel is prohibited.*

5. *The placement of structures within 50 feet of any authorized navigation channel is discouraged, unless it can be demonstrated that the proposed structure will not hinder navigation.*

All work will be performed within the existing footprint of the bridge and timber piles will be driven into the same location as the existing timber piles. Floating equipment or a barge will be employed to approach the repair areas located within the channel. Only temporary minor disturbances to the river are anticipated during pile replacement. All repair work within the tidal zone will be performed during low tide using a quick setting concrete. Debris will not be allowed to fall into the river and if debris should fall into the river, it will be promptly removed. No loss of navigability is anticipated. If an obstruction to the navigation channel should occur, the Coast Guard will be notified. Compliance with this rule has been met.

7:7E-3.12 Submerged Infrastructure

(a) A "submerged infrastructure route" is the corridor in which a pipe or cable runs on or below a submerged land surface.

(b) Any activity which would increase the likelihood of infrastructure damage or breakage, or interfere with maintenance operations is prohibited.

According to the compliance statement, a buried submarine cable carrying utility lines will be abandoned in place. The new cables will be attached to the bridge structure above the mean high water line. No disturbance to the river is anticipated. Compliance with this rule has been met.

SUBCHAPTER 8 – RESOURCE RULES

7:7E-8.2 Marine Fish and Fisheries

(a) Coastal actions are conditionally acceptable to the extent that minimal feasible interference is caused to the natural functioning of marine fish and fisheries, including the reproductive and migratory patterns of estuarine and marine estuarine-dependent species of finfish and shellfish.

According to Don Wilkenson, Department of Fish and Wildlife Service, the Passaic River has a confirmed anadromous fish and American Shad run. Any sediment from construction or pile driving will be prohibited. A timing restriction from 4/1 to 6/30 and 10/1 to 11/30 has been added as a condition of this permit.


III. CONDITIONS

- a. A Tidelands lease, license, grant and subsequent approval of this grant by the Tidelands Resource Council is required prior to the start of construction. If you have any questions, please contact the Bureau of Tidelands, NJDEP at 609-292-2573.
- b. In order to protect the American Shad and anadromous fish within the Passaic River, any sediment generated from construction activities or pile driving is prohibited between 4/1 to 6/30 and 10/1 to 11/30 of each year.

IV. CONCLUSION

Based upon the preceding analysis, the Manager of the Bureau of Inland Regulation, Land Use Regulation Program is able to make the positive findings required under the Coastal Zone Management Rules, for the conditional approval of a Waterfront Development Permit and a Water Quality Certificate. The Waterfront Development Permit and Water Quality Certificate are contingent upon compliance with the conditions listed on the permit. The Bureau Manager of the Land Use Regulation Program hereby finds that the applicable Rules on Coastal Zone Management Policies will be met.

Prepared by:

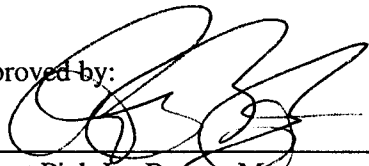


Tina Potascan, Environmental Specialist
Bureau of Inland Regulation
Land Use Regulation Program

Date

5/25/01

Approved by:



Robert Piel, Jr., Bureau Manager
Bureau of Inland Regulation
Land Use Regulation Program

Date

5/30/01